

Remarks/Arguments

Applicants have received and carefully reviewed the Advisory Action of the Examiner mailed June 20, 2007 and the Final Office Action of the Examiner mailed January 25, 2007. Currently, claims 20-40 remain pending of which claims 27-33 were previously withdrawn from consideration. Claims 20-26 and 34-40 have been rejected. With this amendment, claims 20, 34, and 39-40 have been amended, claims 21, 23, and 38 have been canceled, and claims 41-44 are newly presented. Favorable consideration of the following remarks is respectfully requested.

Claim Rejections – 35 USC § 102

In paragraph 3 of the Final Office Action, claims 20-23, 25-26, 34-36, and 38-40 were rejected under 35 U.S.C. 102(a) as being anticipated by Ravenscroft et al. (US Patent No. 6,007,558). After careful review, Applicant must respectfully disagree.

Turning to claim 20, which has been amended to recite:

20. (Currently Amended) A filtering device, comprising:
a body member;
a plurality of struts including a proximal end region and a distal end region, the plurality of struts fixedly attached to the body member and extending therefrom;
an anchoring member disposed adjacent the distal end region of at least some of the plurality of struts; and
wherein one or more of the struts include a weakened region coupling the anchoring member to the distal end region of at least some of the plurality of struts, wherein the weakened region is configured to fail releasing the anchoring member from the at least some of the plurality of struts.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). (See MPEP § 2131).

Nowhere does Ravenscroft et al. appear to teach or suggest “wherein one or more of the struts include a weakened region coupling the anchoring member to the distal end region of at least some of the plurality of struts, wherein the weakened region is configured to fail releasing the anchoring member from the at least some of the plurality of struts”, as recited in claim 20.

Therefore, as amended, claim 20 is believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection. Additionally, for similar reasons, as well as others, claims 21-23, 25-26, and 41-42, which depend from claim 20 and include significant additional limitations, are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Turning now to claim 34, which has been amended to recite:

34. (Currently Amended) A medical device, comprising:
a body member;
a plurality of struts fixedly attached to the body member and
extending therefrom;
an anchoring member disposed on a distal end of each of the struts;
and
a reduced cross-sectional area region defined in each of the struts
proximal of adjacent the anchoring member, wherein the reduced cross-
sectional area region is configured to fail releasing the anchoring member
from the distal end of each of the struts.

For similar reasons discussed above, as well as others, Ravenscroft et al. does not appear to anticipate claim 34 and Applicant respectfully requests withdrawal of the rejection.

Additionally, for similar reasons, as well as others, claims 35-36, which depend from claim 34 and include significant additional limitations, are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Turning next to the claims 39 and 40, which have been amended to recite:

39. (Currently Amended) A filtering device, comprising:
a conically-shaped filtering basket including an apex, a plurality of
arms extending from the apex, and a plurality of rigid anchoring members
coupled to the arms and positioned opposite the apex, each arm including
a joined end fixedly attached to the apex; and
wherein the arms include a reduced cross-section area region
weakened region.

40. (Currently Amended) A filtering device, comprising:
a conically-shaped filtering basket including an apex, a plurality of
arms extending from the apex, and a plurality of anchoring members
coupled to the arms and positioned opposite the apex, each arm including
a joined end fixedly attached to the apex; and
wherein the arms include a reduced cross-sectional area region
configured to break releasing the anchoring members from the arms.

For similar reasons given above, as well as others, claims 39 and 40 are believed to be not anticipated by Ravenscroft et al. and Applicant respectfully requests withdrawal of the rejection.

Turning to new claim 43, which recite:

43. (New) A medical device, comprising:
a body member;
a plurality of struts fixedly attached to the body member and
extending therefrom;
an anchoring member disposed on a distal end of each of the struts;
and
means for releasing the anchoring member from the struts when
subject to a force.

As discussed previously, nowhere does Ravenscroft et al. appear to teach or suggest “means for releasing the anchoring member from the struts when subject to a force”, as recited in claim 43. Therefore, for at least this reason, claim 43 is believed to be not anticipated by Ravenscroft et al.

Additionally, for similar reasons, as well as others, claim 44, which depend from claim 43 and includes significant additional limitations, is believed to be not anticipated by Ravenscroft et al.

Claim Rejections – 35 USC § 103

In paragraph 5 of the Final Office Action, claim 24 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenscroft et al. (US Patent No. 6,007,558) in view of El-Nounou et al. (US Patent No. 5,242,462). In paragraph 6 of the Final Office Action, claim 37 was rejected under 35 U.S.C. 103(a) as being unpatentable over Ravenscroft et al. (US Patent No. 6,007,558) in view of Ambrisco et al. (US Patent No. 6,007,557). After careful review, Applicant must respectfully disagree.

For similar reasons given above, as well as others, claims 24 and 37, which depend from claims 20 and 34, respectively, and include significant additional limitations, are believed to be patentable over Ravenscroft et al. in view of El-Nounou et al. or Ambrisco et al. and Applicant respectfully requests withdrawal of the rejection.

In view of the foregoing, all pending claims are believed to be in a condition for allowance. Reexamination and reconsideration are respectfully requested. Issuance of a

Notice of Allowance in due course is anticipated. If a telephone conference might be of assistance, please contact the undersigned attorney at (612) 677-9050.

Respectfully submitted,

Kristian Di Matteo

By her Attorney,

Date: July 25, 2007 Glenn M. Seager
Glenn M. Seager, Reg. No. 36,926
CROMPTON, SEAGER & TUFTE, LLC
1221 Nicollet Avenue, Suite 800
Minneapolis, Minnesota 55403-2420
Tel: (612) 677-9050